

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RODERICK CLARK MILLER

PLAINTIFF

V.

CIVIL ACTION NO. 1:07-cv-00541-LG-JMR

HARRISON COUNTY, MISSISSIPPI, ET AL

DEFENDANTS

**MOTION TO REOPEN CASE FOR AN ORDER ENFORCING SETTLEMENT
AND FOR SANCTIONS**

COMES NOW the DEFENDANT, HARRISON COUNTY, MISSISSIPPI, by and through its attorneys of record, Tim C. Holleman of Boyce Holleman & Associates, and moves this Honorable Court for an Order reopening the case, enforcing Settlement and for Sanctions in the form of attorneys fees and expenses in bringing this Motion and in support thereof would show unto the Court the following to wit:

I.

The trial of this matter was set for September 13, 2010.

II.

On September 8, 2010, Plaintiff and Defendants reached a full compromise and settlement of this matter and the Court was advised accordingly. See attached Exhibit "A" – Email from the Attorney for the Plaintiff.

III.

On September 13, 2010, the Defendant, Harrison County, Mississippi, entered an Order authorizing the compromise and settlement of this matter as a doubtful claim.

IV.

On September 13, 2010, this Court entered its Judgment of Dismissal (Dk# 123) subject to the following:

If any party fails to comply with the terms of this settlement agreed to by all parties, any aggrieved party may reopen the case for enforcement of the

settlement agreement, and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to comply with the agreement. The Court specifically retains jurisdiction to enforce the settlement agreement.

V.

On September 15, 2010, the Defendants' Attorney prepared and forwarded to the attorney for the Plaintiff the original FULL, FINAL AND ABSOLUTE RELEASE AND CONFIDENTIALITY AGREEMENT for execution and return at which time the settlement funds would be delivered.

VI.

Despite several inquires and more than a month since the FULL, FINAL AND ABSOLUTE RELEASE AND CONFIDENTIALITY AGREEMENT was delivered, Plaintiff has failed to comply with the terms of the settlement agreed to by all parties.

VII.

This Court should enter an order enforcing the settlement agreed to by all parties and award additional attorneys' fees and costs to these Defendants from the date of the Judgment against the Plaintiff for failing to comply with the agreement.

So moved, this the 22nd day of October, 2010,

HARRISON COUNTY, MISSISSIPPI, BY AND
THROUGH ITS BOARD OF SUPERVISORS,
Defendant

BY AND THROUGH ITS COUNSEL OF RECORD
BOYCE HOLLEMAN AND ASSOCIATES

s/ Tim C. Holleman

CERTIFICATE

I, Tim C. Holleman, do hereby certify that I have this date forwarded a copy of the foregoing Motion, *via* electronic filing and/or U. S. Mail, to the following:

Cyril T. Faneca, Esq.
Haley Necaie Broom, Esq.
Joe C. Gewin, Esq.
P. O. Drawer W
Gulfport, MS 39502

Michael W. Crosby, Esq.
2111 25th Avenue
Gulfport, MS 39501

This the 22nd day of October, 2010.

s/ Tim C. Holleman

Tim C. Holleman, Esquire (Ms Bar #2526)
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